

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, MARCH 21, 2017
MEETING ROOM B - THIRD FLOOR COURTHOUSE**

Members Present: Mark Klevgaard, Tom Jensen, Amos Baer, Bill Davis, Jenny Mongeau, Joel Paulsen, Curt Stubstad, Andrea Koczur.

Members Absent: Dan Langseth, Randy Schellack, Tim Brendemuhl

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Jeff Woods

APPROVAL OF AGENDA

On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Tom Jensen, seconded by Joel Paulsen, and unanimously carried, the Commission approved the February 28, 2017 minutes as written.

CITIZENS TO BE HEARD

There were no citizens to be heard on matters not on the Agenda.

BORDER STATES PAVING, INC. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the establishment of a temporary asphalt batch plant and its associated uses such as stockpiling and crushing of materials. The plant would be sited in conjunction with an existing gravel mining operation. The property affected is in the SE Quarter NE Quarter and NE Quarter SE Quarter, Section 35, T138N, R44W (Parke Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Bill Davis, seconded by Tom Jensen, and unanimously carried, the Planning Commission opened the public hearing.

Tim Magnusson presented an aerial view of the property. He pointed out the proposed location, adding that the asphalt plant would be situated on the site of an existing operating aggregate mine located approximately one quarter mile north of 120 Ave. S. and fronts on 290 St S. He added that two operating aggregate mines were situate on 290 Street, both using the same haul road. Magnusson indicated the sole residential property located along the haul road from the mining/asphalt site to 120 Ave. S., which holds a boarding kennel. The other existing pit also has an asphalt plant located onsite. Magnusson expects there will be some increase in truck traffic if both pits were conducting mining and asphalt operations at the same time. This would be a temporary plant and he doesn't foresee anyone would generate comments in opposition. The Spillum pit, currently mines and would be adding the asphalt plant.

Jeff Woods of Border States Paving, Inc., appeared on behalf of the applicant. He explained that they would like this permit and pit set-up so as to bid competitively on an upcoming project. He feels it is a good setup for the company, the setbacks are met, the road will be maintained constantly and no conditions have ever arisen.

The effect of the dust was discussed and the applicant communicated that Border States uses chloride to settle the road as needed, depending upon the location of the dust. Moreover, an air quality report can be provided before onset. Border States works and permits in 5 other states with self-contained mobile plants.

The conditions were offered to the applicant, wherein he reviewed and consented to them.

On motion by Jenny Mongeau, seconded by Joel Paulsen, and unanimously carried, the Planning Commission closed the hearing.

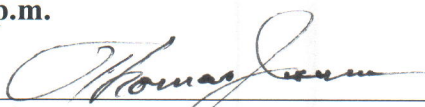
The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. Standards 5 and 12 were discussed and addressed with conditions and no other standards warranted further discussion.

On motion by Bill Davis, and seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved the application for Interim Use to allow the establishment of a temporary asphalt batch plant and its associated uses located on property in the SE Quarter NE Quarter and NE Quarter SE Quarter, Section 35, T138N, R44W (Parke Twp.). with the following conditions:

1. Operate within provisions of the Clay County Land Development Ordinance;
2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads. Chloride must be applied at least annually within 500 feet of any residence along the haul road;
3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office;
4. Operator shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations;
5. Batch plant operations: April 1 through November 15; hours shall be limited to 6:00 a.m. to 9:00 p.m., Monday through Saturday. If the operator needs to operate 24/7 or beyond stated days/hours they shall first notify the Planning office with a reason and the length of time requested so the extended hours can be reviewed and approved and any affected property owners notified.
6. Permit shall expire in 7 years, on December 31, 2023.

Adjourn:

On motion by Tom Jensen, and seconded by Joel Paulsen, the meeting adjourned at 7:25 p.m.



Thomas Jensen, Planning Commission Secretary